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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/088,399

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EXAMINER

TESLOVICH, TAMARA

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/088,399	Applicant(s) ZAROM ET AL.	
	Examiner Tamara Teslovich	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-8,11-15,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-8,11-15,19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to Applicant's Arguments filed November 27, 2007.

Claims 1, 4-8, 11-15, and 19-20 are currently pending and herein considered.

Response to Arguments

Applicant's arguments and amendments filed November 27, 2007 with respect to the rejection(s) of claim(s) 1, 4-8, 11-15, and 19-20 under 35 USC 102(e) as anticipated by Coss have been fully considered but are not persuasive.

In response to Applicant's remarks concerning Coss's alleged failure to disclose "selecting at least one of the presorted plurality of rules according to said one value retrieved from the received packet, wherein the selected rules is associated with said one value" the Examiner respectfully disagrees. The Examiner would like to draw Applicant's attention to column 2, lines 1-4 of the Coss reference wherein he provides for "[a] particular rule set that is applied for any packet can be determined based on information such as the incoming and outgoing network interfaces as well as the network source and destination addresses." It is clear to the Examiner that Coss not only provides for the application of a particular rule set to a particular packet, but that that application may be determined in response to particular values obtained from the packet, including but not limited to the packet's source and destination address. Applicant goes on to argue that Coss not only fails to disclose the selection of a particular rule set, but that he fails to disclose analyzing information in the packet to

retrieve from the received packet one of said values." Once again, the Examiner respectfully disagrees, referring back to the portion cited above wherein Coss clearly provides for the selection of a rule set based upon information from that packet, including but not limited to the source and destination address. Additionally, the Examiner would like to draw Applicant's attention to column 4 lines 27-30 wherein Coss provides for the imposition of "conditions which must be satisfied by data *included in a packet* for the specified action to be taken on that packet." Although the Examiner has chosen to cite these particular portions of the reference in response to Applicant's argument, she would like to take this opportunity to remind Applicant that his claims have been rejected in view of the Coss reference in its entirety and that the particular citations included within this response and those previous are included for the benefit of the Applicant in following the Examiner's reasoning, but are not meant to limit the reference merely to those sections cited. In response to Applicant's suggestion that the Examiner's citations of column 9, lines 1-33 are inapplicable based upon Coss's use of the phrase "as need arises" the Examiner respectfully disagrees. Coss's dynamic packet filtering includes the capacity to create on the spot, or "dynamic" filtering rules in response to information received. The Examiner would like to remind Applicant that most dynamic systems augment themselves "as need arises" similarly to the Coss reference, and that such a phrase may very well include the reception of a particular packet to which the Coss reference provides the necessary teachings to dynamically provide for the application of a particular rule set to the packet in response to information retrieved from that packet.

In response to Applicant's remarks concerning claim 4 and its dependence upon claim 1, the Examiner directs Applicant's attention to those arguments given above with regards to claim 1.

In response to Applicant's remarks concerning claim 5 and Coss's alleged failure to disclose "associating a user with each value such that each user is assigned a privilege and wherein the privilege determined whether to associate each rule with said value" the Examiner respectfully disagrees. In addition to those previously cited sections of the Coss reference, the Examiner would like to draw Applicant's attention to column 2 lines 5-17 wherein Coss discloses the use of stateful packet filtering to store the results of processing results for packets directed to a particular user, so that subsequent similar packets may be recognized based upon their value so that a cached result may be utilized in order to bypass the sequence of filters. This avoids the need to apply the rule set to each similar incoming packet. Such a bypass, equates to Applicant's use of privileges to determine which rule set is to be applied or bypassed as the case may be. It is based upon this privilege, or bypass, that a rule-value association may or may not be made. Coss goes on in his reference to disclose the use of 'masks' in order to privilege particular users and packets to bypass the rules ordinarily associated so that particular queries may be identified.

In response to Applicant's remarks concerning claim 6 and Coss's alleged failure to disclose determining a user profile of associated rules based on the privileges assigned to a user, the Examiner respectfully disagrees. Applicant's arguments rely upon those given above with regards to claim 5. The Examiner would like to refer

Applicant to her response given above with respect to claim 5 wherein she provides particular regions within the Coss reference which serve to disclose his use of privileges for users so that particular rules may be applied based upon that user's privileges.

In response to Applicant's remarks concerning claim 7 and Coss's alleged failure to disclose "further associating a user profile with a group profile" the Examiner respectfully disagrees. Drawing Applicant's attention to column 1 lines 63-67 wherein Coss provides for the ability to support multiple policies, multiple users, and a combination of the two by applying several distinct sets of access rules for a given packet. Coss's Figure 6 provides for the grouping of users based upon address ranges. Referring now to column 6, lines 56-58, Coss provides for the inclusion of source and destination addresses "to allow for multiple users to be supported by a single network interface." Additionally, within column 2 lines 37-41 Coss provides for the use of dynamic rules to define host groups, such that they can be modified to add or drop different hosts without altering other aspects of the rule sets. It is based upon these particular sections in view of the reference in its entirety that the Examiner maintains her belief that Coss not only provides for groups, but that he discloses associating a user profile with a group profile so that he can apply group rules to a number of different users at once.

In response to Applicant's remarks concerning claims 8, 11, 15, and 19, the Examiner refers Applicant to those remarks given with regards to claim 1. Furthermore, in response to Applicant's arguments concerning Coss's alleged failure to disclose "a computer program product" as claimed in claim 15, the Examiner respectfully disagrees

for two reasons. First, the recitation "a computer program product" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Secondly, assuming arguendo that Applicant's "computer program product" was in fact claimed within the body of his claims, the Examiner directs Applicant's attention to column 3, lines 21-30 of the reference wherein Coss specifically provides for the implementation of his invention "as computer system software, using the 'C' programming language for implementation on general purpose PC hardware." It is based upon this citation in view of the reference in its entirety that the Examiner maintains her view that Coss does in fact provide for Applicant's "computer program product."

In response to Applicant's remarks concerning claims 12-14 and 20, the Examiner directs Applicant's attention to those arguments given above with regards to claim 5.

In view of the arguments given above, the Examiner maintains her 35 USC 102(e) rejection of claims 1, 4-8, 11-15, and 19-20 as anticipated by Coss et al., included below for Applicant's benefit.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-8, 11-15, and 19-20 remain rejected under 35 U.S.C. 102(e) as being anticipated by Coss et al., United States Patent 6,098,172, hereinafter referred to as Coss.

As per **claim 1**, Coss discloses a method for presorting a plurality of rules for filtering a packet in network, the method comprising the steps of: selecting a characteristic for sorting the plurality of rules, wherein said characteristic is at least one of a source address and a destination address (col.1 line 63 thru col.2 line 4, col.4 lines 17-33); associating each rule with at least one of a plurality of values for said characteristic (col.4 lines 17-33); presorting at a network security filter the plurality of rules according to each value for said characteristic ("firewall") (col.1 lines 6-8 and 59-67); receiving the packet at the network security filter ("firewall") (col.1 lines 6-8 and 59-67); analyzing information in the packet to retrieve from the received packet one of said values (col.9 lines 1-33); selecting at least one of the presorted plurality of rules according to said one value retrieved from the received packet, wherein the selected

rule is associated with said one value (col.9 lines 1-33); and applying said selected rule to the received packet, such that the received packet is permitted to enter the network or alternatively is dropped in accordance with the selected rule (col.1 line 59 thru col.2 line 4, col.4 lines 40-50).

As per **claim 4**, Coss discloses wherein said characteristic is a combination of said source address of the packet and said destination address of the packet (col.2 lines 1-4, col.4 lines 17-33).

As per **claim 5**, Coss discloses wherein a user is associated with each value such that said associating each rule with at least one value for said characteristic further comprise assigning at least one privilege to a user and determining whether to associate each rule with said value of said characteristic according to said at least one privilege (col.1 lines 63-67, col.2 lines 38-41, col.8 lines 3-35).

As per **claim 6**, Coss discloses wherein said assigning at least one privilege to said user further comprises determining a user profile of associated rules according to said at least one privilege (col.1 lines 63-67, col.2 lines 38-41, col.8 lines 3-35).

As per **claim 7**, Coss discloses associating a user profile with a group profile, such that a plurality of values for said characteristic is associated with said associated rules of said group profile (col.2 lines 38-42).

As per **claim 8**, Coss discloses an apparatus for presorting a plurality of rules for filtering a packet in network, wherein a characteristic for sorting the plurality of rules is at least one of a source address and a destination address (col.1 line 63 thru col.2 line 4), said characteristic has a plurality of possible values, and each rule is associated with at

least one value for said characteristic, the apparatus comprising: a software module for performing the operations of: presorting at a network security filter("firewall") (col.1 lines 6-8 and 59-67) the plurality of rules according to each value for said characteristic (col.1 line 63 thru col.2 line 4); analyzing information in the packet received at the network security filter ("firewall") to retrieve from the packet a value for said characteristic (col.9 lines 1-33); selecting at least one of the presorted plurality of rules according to said value retrieved from the packet wherein the selected rule is associated with said value (col.1 line 59 thru col.2 line 4, col.4 lines 40-50); and applying said selected rule to the packet, such that the packet is permitted to enter the network or alternatively is dropped in accordance with selected rule (col.1 line 59 thru col.2 line 4, col.4 lines 40-50).

As per **claim 11**, Coss discloses wherein said characteristic is a combination of said source address of the packet and said destination address of the packet (col.2 lines 1-4, col.4 lines 17-33).

As per **claim 12**, Coss discloses wherein a user is associated with each value of said characteristic such that the software module further performs the operations of assigning at least one privilege to a user and determining whether to associate each rule with said value according to said at least one privilege (col.1 lines 63-67, col.2 lines 38-41, col.8 lines 3-35).

As per **claim 13**, Coss discloses wherein said assigning at least one privilege to said user further comprises determining a user profile of associated rules according to said at least one privilege (col.1 lines 63-67, col.2 lines 38-41, col.8 lines 3-35).

As per **claim 14**, Coss discloses associating a user profile with a group profile, such that a plurality of values for said characteristic is associated with said associated rules of said group profile (col.2 lines 38-42).

As per **claim 15**, Coss discloses a computer program product comprising a computer usable medium having computer readable code embodied therein for presorting a plurality of rules for filtering a packet received at a network security filter, the computer program product comprising computer readable program code for performing the operations of: selecting a characteristic for sorting the plurality of rules, said characteristic has a plurality of possible values, wherein said characteristic is at least one of a source address and a destination address (col.1 line 63 thru col.2 line 4); associating each rule with at least one value for said characteristic (col.4 lines 17-33), presorting at a network security filter ("firewall") (col.1 lines 6-8 and 59-67) the plurality of rules according to each value for said characteristic; analyzing information in the packet received at a network security filter to retrieve said value from the packet and selecting at least one of the presorted plurality of rules according to said value retrieved from the packet wherein the selected rule is associated with said value (col.9 lines 1-33); and applying said selected rule to the received packet, such that the received packet is permitted to enter the network or alternatively is dropped in accordance with said selected rule (col.1 line 59 thru col.2 line 4, col.4 lines 40-50).

As per **claim 19**, Coss discloses wherein said characteristic is a combination of the source address of the packet and the destination address of the packet (col.1 line 63 thru col.2 line 4, col.4 lines 17-33).

As per **claim 20**, Coss discloses wherein a user is associated with each value of said characteristic such that said computer readable program code further comprises the operations of assigning at least one privilege to a user and determining whether to associate each rule with said value of said characteristic according to said at least one privilege (col.1 lines 63-67, col.2 lines 38-41, col.8 lines 3-35).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Teslovich whose telephone number is (571) 272-4241. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tamara Teslovich/

Examiner, Art Unit 2137

/Emmanuel L. Moise/

Supervisory Patent Examiner, Art Unit 2137